

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE APPLICATION:

FOR A LICENSE TO PRACTICE  
MEDICINE AND SURGERY OF

MONTY PHILLIP McCLELLAN,  
APPLICANT.

FINAL DECISION  
AND ORDER  
LS9502101MED

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The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 27<sup>th</sup> day of July 1995.

W. R. Schwab

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE	:	PROPOSED DECISION
MEDICINE AND SURGERY OF	:	
	:	[Case No. LS 9502101 MED]
MONTY PHILLIP McCLELLAN,	:	
APPLICANT.	:	

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To: Raymond P. Taffora	Steven M Gloe
Michael Best & Friedrich	Attorney at Law
Attorneys at Law	Department of Regulation and Licensing
1 South Pinckney	Division of Enforcement
P.O. Box 1806	1400 East Washington Avenue
Madison, WI 53701	P.O. Box 8935
	Madison, WI 53708

On February 10, 1995, a Notice of Hearing was filed in the above-captioned matter, scheduling a hearing for May 12, 1995 upon the determination of the Medical Examining Board to deny the applicant's application for a license to practice medicine and surgery. On May 10, 1995, the undersigned received a copy of correspondence from Attorney Gloe to Attorney Taffora confirming that counsel agreed the scheduled hearing should be adjourned in order to provide the applicant an opportunity to decide whether or not he desired to withdraw his request for a hearing on the denial. Subsequently, on June 12, 1995, correspondence was received from the applicant's attorney, Raymond P. Taffora, withdrawing the applicant's request for a hearing.

Based upon the entire record in this matter, the administrative law judge recommends that the Medical Examining Board adopt as its final decision in this proceeding the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Monty Phillip McClellan, the applicant, has a mailing address of 38766 North Oakcrest Lane, Wadsworth, IL 60083.

2. According to the Notice of Hearing on file herein, on November 26, 1994, the Medical Examining Board denied the applicant's license to practice medicine and surgery based upon the applicant's record, which included a history of professional discipline as well as a conviction for five counts of felony fraud.

3. A hearing on the issue of whether to uphold the board's license denial which was sought by the applicant was scheduled, but not held.

4. By correspondence dated June 12, 1995 from the applicant's attorney in this matter, the applicant withdrew his request for a hearing.

CONCLUSIONS OF LAW

The Medical Examining Board has jurisdiction in this proceeding pursuant to Ch. 448, Stats.

ORDER

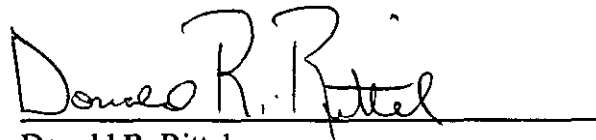
NOW, THEREFORE, IT IS ORDERED that because Monty Phillip McClellan has withdrawn his request for a hearing on the denial of his application for a license to practice medicine and surgery, this proceeding is hereby dismissed.

OPINION

Monty Phillip McClellan was denied a license to practice medicine and surgery in this state. He requested a hearing upon the denial, but has now withdrawn that request through his attorney. Accordingly, it is recommended that this proceeding be dismissed.

Dated this 13<sup>th</sup> day of June, 1995.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donald R. Rittel", is written over a horizontal line.

Donald R. Rittel  
Administrative Law Judge

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

AUGUST 1, 1995.

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)